

MOSER LAW FIRM, PC



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April 20, 2021

**VIA ECF**

The Honorable A. Kathleen Tomlinson  
United States Magistrate Judge  
United States District Court  
100 Federal Plaza  
Central Islip, NY 117222

**FILED  
CLERK**

4:05 pm, May 18, 2021

**U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE**

Re: *Caccavale v. Hewlett-Packard Company a/k/a HP Inc., et al.*  
2:20-cv-00974-GRB-AKT (E.D.N.Y.)

Dear Judge Tomlinson:

This firm represents Plaintiffs Tony Caccavale, Anthony Mangelli, Douglas Sorbie and James Billups (collectively "Plaintiffs") in the above referenced matter. This letter is submitted on behalf of all parties to request adjournments of the deadlines to respond to discovery demands, to meet and confer on any objections to the discovery demands, to seek Court intervention on any issues that cannot be resolved during a meet and confer, and to contact chambers to set up a phone conference regarding amending the pleadings in light of discovery.

On March 5, 2021, the parties had a status conference with Your Honor during which Your Honor set the following deadlines, among others: (1) March 19, 2021 to serve further discovery demands; (2) April 26, 2021 to respond to said demands; (3) May 7, 2021 to meet and confer with respect to any objections to said demands; (4) May 17, 2021 to seek Court intervention on any items not resolved by the meet and confer; and (5) May 26, 2021 to call chambers to set up a phone conference to seek to amend the pleadings in light of discovery, if needed.

On March 19, 2021, the parties served document demands, interrogatories and notices to admit. Plaintiffs received 24 separate sets of discovery demands from Defendants. Given same, and other scheduling issues, Plaintiffs have not yet been able to complete all of their discovery responses. On April 19, 2021, the undersigned reached out to counsel for all Defendants to request consent with respect to a request to the Court for an extension of time to respond to the demands served on March 19, 2021. During the ensuing phone conference counsel for all parties agreed that an additional three weeks to serve responses would be beneficial. Further, counsel for the parties discussed their anticipated productions and agreed that, *inter alia*, given the anticipated volume of documents to be produced in response to class wide discovery demands the parties would need more than the allotted 11 calendar days to review same before they could have a proper meet and confer on any objections in the hopes of minimizing Court intervention.

In light of the foregoing, the parties respectfully request that the below deadlines be extended as follows:

- (1) Deadline to respond to demands served on March 19, 2021 from April 26, 2021 to May 17, 2021;
- (2) Deadline to meet and confer on objections to demands from May 7, 2021 to June 2, 2021;
- (3) Deadline to seek court intervention on objections not resolved by meet and confer from May 17, 2021 to June 18, 2021; and
- (4) Deadline to call chambers to set up a phone conference to seek to amend pleadings in light of discovery from May 26, 2021 to July 2, 2021.

The parties wish to note that the foregoing requests are the first of their kind and that same are on consent of all parties.

Thank you for your attention.

Respectfully submitted,

*Paul Pagano*

Paul A. Pagano

cc: All Counsel of Record (VIA ECF)

Application GRANTED nunc pro tunc.  
Amended Schedule Approved

SO ORDERED:

/s/ AK Tomlinson 5/18/2021

A Kathleen Tomlinson  
United States Magistrate Judge